

United States District Court  
District of Massachusetts

_____	)	
DANA E. LOPES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	14-10679-NMG
GERALDINE RIENDEAU et al.,	)	
	)	
Defendants.	)	
_____	)	

ORDER


GORTON, J.

After careful consideration of the objections of defendants Dyana Nickl and Geraldine Riendeau (Docket No. 122) and defendants Barbara Berg, Shawna Nasuti, Paul Caratazzola, Patricia Davenport-Mello and Massachusetts Partnership for Correctional Healthcare ("MPCH") (Docket No. 123) to the Report and Recommendation ("R&R") of Magistrate Judge Marianne B. Bowler (Docket No. 120), the Court **OVERRULES**

- 1) the objections of defendants Dyana Nickl and Geraldine Riendau as raising new arguments that were not initially presented to the Magistrate Judge, and
- 2) the objections of defendants Barbara Berg, Shawna Nasuti, Paul Caratazzola, Patricia Davenport-Mello and MPCH,

- a) with respect to the Article 26 claim, because motions for judgment on the pleadings and motions for summary judgment do not share the same legal standards,
- b) with respect to the claim brought under the Massachusetts Tort Claims Act, because they have raised new arguments that were not initially presented to the Magistrate Judge, and
- c) with respect to the retaliation claim, because they have failed to assert specifically that the claim is barred by the exhaustion requirement of the Prisoner Litigation Reform Act ("PLRA").

Accordingly, the R&R is **ACCEPTED AND ADOPTED** in its entirety.

  
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Nathaniel M. Gorton  
United States District Judge

Dated March 30, 2016